

Appl. No. 09/804,171
Amdt. dated September 1, 2005
Reply to Office Action of June 2, 2005

Remarks

The present amendment responds to the Official Action dated June 2, 2005. The Official Action rejected claims 1 and 26 under 35 U.S.C. 112. The Official Action rejected claims 1, 8, 12, 13, 24-26, 28 and 37 under 35 U.S.C. 103(a) based on Chern U.S. Patent No. 6,381,465 ("Chern") in view of Yurkovic U.S. Patent No. 6,668,535 ("Yurkovic"). The Official Action rejected claims 2, 5, 7, 9, 11, 15-23, 27, 31, 33-36 and 38-42 under 35 U.S.C. 103(a) based on Chern in view of Yurkovic and further in view of Tsuda U.S. Patent No. 6,233,094 ("Tsuda"). The Official Action rejected claims 3, 4, 10, 29 and 30 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Yurkovic and Tsuda in view of Kikinis U.S. Patent No. 6,389,290 ("Kikinis"). The Official Action rejected claims 6 and 32 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Yurkovic and Tsuda and further in view of Kikinis and Hashimoto U.S. Patent No. 6,338,020 ("Hashimoto"). These grounds of rejection are addressed below following a brief discussion of the present invention to provide context. Claim 14 was previously canceled. Claims 1, 2, 26 and 27 have been amended to be more clear and distinct. Claims 1-13 and 15-42 are presently pending.

The Present Invention

A device according to an aspect of the present invention identifies its location and uses the location information to select and request information appropriate to the location from a stored collection of information. The device presents the information in a format including a visual display. Information may suitably be retrieved from a stored collection accessible by a network, with the device identifying its location, choosing a network address such as a uniform

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resource locator (URL) associated with the location and relaying the network address to the network in order to retrieve appropriate information. Alternatively, the device may simply relay its location to the network, so that resources within the network can identify an information element, such as a hypertext page, appropriate to the location, and transfer the information element to the device.

Information can relate to nearby objects so that a device can automatically present information relating to nearby objects of interest. The device can sense its orientation and identify addresses appropriate to a combination of location and orientation in order to retrieve information appropriate to such a combination of location and orientation. A user may thus, for example, orient the device toward an object and be automatically presented with information about that object.

The Section 112 Rejections

The Official Action rejected claims 1 and 26 under 35 U.S.C. 112 as failing to comply with the enablement requirement. The Official Action states that the newly added limitations "automatically updating the visual information supplied to the user as the location of the device changes so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location of the device changes" is not described in the specification so as to enable one skilled in the art to which it pertains to make or use the invention." This argument is respectfully traversed, particularly in light of the present amendments to claims 1 and 26. Attention is drawn, for example, to the specification at page 6, line 24 through page 7, line 8, which describes successive retrievals and

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displays of web pages located at different Uniform Resource Locators (URLs) as the sensed position and orientation of the device changes. Attention is also drawn to page 7, lines 15-18 of the specification, which describes that a device makes its location known to a network when requesting an information resource and the network selects resources appropriate to the location.

The Art Rejections

All of the art rejections hinge on the application of Chern and Yurkovic standing in combination with one another, or in a combination of Chern, Yurkovic and Tsuda; Chern, Yurkovic and Kikinis; Chern, Yurkovic, Tsuda and Kikinis; or Chern, Yurkovic, Tsuda, Kikinis and Hashimoto. As addressed in greater detail below, the cited references do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of the cited references made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1, 8, 12, 13, 24-26, 28 and 37 under 35 U.S.C. 103(a) as anticipated by Chern in view of Yurkovic. In light of the present amendments to claims 1 and 26, this ground of rejection is respectfully traversed.

Claim 1, as amended, claims determining a location of a device and determining an orientation of the device. Claim 1 further claims supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations. Claim 1 further claims monitoring the location of the device as the

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location of the device changes and automatically retrieving and displaying new visual information to the user as the location or orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change. Neither Chern, Yurkovic or a combination thereof teaches or makes obvious these limitations in the claimed combination. Chern teaches the answering of user queries and the providing of alerts and information to a user through a device. The answering of queries and the providing of alerts may involve knowledge of the location of the device, but the location of the device is used as a reference point, and the information supplied relates to a range of locations within a relatively wide radius of the device. For example, Chern teaches that the device may respond to user queries about points of interest within a distance from the device, to provide driving directions or to provide traffic alert information or route recalculation in response to traffic conditions along a route to a user's destination, with information relating to a user's location being taken into account in triggering alerts or route recalculation. In addition, Chern teaches attachment of advertisements to alert messages transmitted to a user. The content of the advertisements may take a user's location into account.

None of these uses of location information, or other uses of location information taught by Chern, however, achieves determining a location and orientation of a device and automatically retrieving and displaying new visual information to a user as the location and orientation of the device changes so that new elements of a collection of information associated with locations in proximity to the location of the device are supplied to the user as the location of the device

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changes. Chern typically uses location information for a user to define a focal point of an area of interest, and supplies information relating to objects, events or conditions within that area of interest. For example, Chern may supply information relating to restaurants within five miles of a user's location, or relating to traffic obstructions within 20 miles ahead of the user along the user's chosen route. Chern does not monitor the location of a device so as to provide new information elements associated with locations in proximity to the location of the device, as does claim 1, as amended. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Adding Yurkovic to Chern does not overcome Chern's deficiencies as a reference with respect to claim 1, as amended. Yurkovic teaches a space/time portal for a computer system comprising a set of information requests used to gather various types of information to present a user with information relevant to a specified location, a specified time, or both. Yurkovic may automatically monitor the location of the device and modify the information displayed as the location of the device changes. However, neither Chern nor Yurkovic teaches or makes obvious determining an orientation of a device and displaying information appropriate to a location and orientation of the device.

In the discussion of claims 2, 5, 7, 9, 11, 15-23, 27 31, 33-36 and 38-42, the Official Action contends that Tsuda teaches determining an orientation of a device and supplying information in accordance with that orientation. The Applicant continues to maintain that Tsuda does not teach determining an orientation of a device and providing information in accordance with that orientation. At col. 8, lines 32-45, Tsuda describes determining locations of each of

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two optical instruments and providing information useful for positioning one optical instrument so as to bring the other optical instrument into view. This information does not depend on the orientation of either optical instrument. An optical instrument may be positioned 1 mile from another optical instrument and at a bearing 30 degrees west and an elevation of 15 degrees from the other optical instrument, but this information depends on the position of each optical instrument, not on the orientation of either. An optical instrument may be rotated through 360 degrees and its distance, bearing and other position data with respect to the other binocular will not change.

Page 7, lines 10-11 of the specification does not relate to prior art, but to an embodiment of the present invention. A device 12 may incorporate an embodiment of the present invention, allowing for a mobile "point and push facility." That is, a user orients the device toward an object of interest and pushes a button or switch or otherwise provides some indication that information is desired in accordance with the position and orientation of the device. Such a facility is not taught or made obvious by Tsuda.

Claim 1, as amended, therefore defines over the cited art and over a combination of Tsuda with the cited art, and should be allowed.

Claim 26, as amended, claims a mobile communications device for accessing information on an information network. The device comprises means for determining a location of the device. The means for determining the location of the device is operative to update the determination of the location of the device as the location of the device changes. The device further comprises means for determining an orientation of the device. The device further

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comprises means for supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network. Various elements of the collection of information are associated with specific locations. The means for supplying visual information to the user is operative to automatically retrieve and display new visual information to the user as the location and orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change.

For the reasons stated above with respect to claim 1, neither Chern, Yurkovic, Tsuda, nor a combination thereof teaches determining a location and orientation of a device with orientation of the device being performed independently of identification of an object external to the device, and supplying visual information to a user appropriate to the location and orientation of the device. Claim 26, as amended, therefore defines over the cited art and over a combination of Tsuda with the cited art, and should be allowed.

The Official Action rejected claims 2, 5, 7, 9, 11, 15-23, 31, 33-36 and 38-42 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Yurkovic and also in view of Tsuda. Claims 2, 5, 7, 9, 11 and 15-23 are dependent claims having claim 1 as a base claim and claims 27, 31, 33-36 and 38-42 are dependent claims having claim 26 as a base claim. Because claims 1 and 26, as amended, have been shown to be allowable over Chern, Yurkovic, Tsuda and a combination thereof, claims 2, 5, 7, 9, 11, 15-23, 31, 33-36 and 38-42 should also be allowed.

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In addition, Claim 2, as amended, claims determining orientation of a device and supplying information in accordance with that orientation and claim 27 claims means for determining orientation of a device and means for supplying information in accordance with that orientation. Claim 2 is dependent on claim 1 and claim 27 is dependent on claim 26. Because claims 1 and 26 have been shown to be allowable, claims 2 and 27 should also be allowed. In addition, the Applicants respectfully traverse the position that Tsuda teaches determining the orientation of a device and supplying information in accordance with that determination. Col. 8, lines 32-45 of Tsuda teach providing position information for one binocular to another binocular. The information provided to one binocular may indicate the positioning necessary to bring another binocular into view, any such information is not utilized in the manner presently claimed. Col. 10, lines 53-55 of Tsuda refer to position information, not orientation. Applicant's specification, at page 7, lines 10-11 refers to a way to use the present invention, not to prior art. The specification reads "used in this way, a device 12 such as a web-enabled mobile telephone or other similar device has a mobile "point and push" facility." That is, the teachings of the present invention relating to determining the orientation of a device and the supplying of information in accordance with that orientation may be employed in a telephone or other similar device. Tsuda does not teach supplying information in accordance with the orientation of a device, because Tsuda supplies information relating to positions, not orientations. For these reasons, and because claims 2 and 27 depend on allowable claims, claim 2 defines over the cited art and should be allowed.

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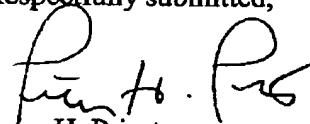
The Official Action rejected claims 3, 4, 10, 29 and 30 under 35 U.S.C. 103(a) as unpatentable over Chern in view Yurkovic and Tsuda and further in view of Kikinis. Claims 3, 4 and 10 are dependent claims having claim 1 as a base claim and claims 29 and 30 are dependent claims having claim 26 as a base claim. Because claims 1 and 26, as amended, have been shown to be allowable, claims 3, 4, 10, 29 and 30 should also be allowed.

The Official Action rejected claims 6 and 32 under 35 U.S.C. 103(a) as unpatentable over Chern in view Yurkovic and Tsuda and further in view of Kikinis and Hashimoto. Claim 6 is a dependent claim having claim 1 as a base claim and claim 32 is a dependent claim having claim 26 as a base claim. Because claims 1 and 26, as amended, have been shown to be allowable, claims 6 and 32 should also be allowed.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



Peter H. Priest
Reg. No. 30,210
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, NC 27713-7736
(919) 806-1600